



Wyoming Department of Education

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MEMORANDUM NO. 2011-051

TO: School District Superintendents

FROM: Cindy Hill

DATE: April 8, 2011

SUBJECT: Chapter 41- Distance Education

IMPORTANT - PLEASE READ

Please find enclosed the Notice of Intent to Revise Rules for Chapter 41 governing Distance Education. The public comment period runs from April 8, 2011, through May 23, 2011.

If you have any questions or need additional information, please contact Scott Bullock at (307)777-7418 or Lachelle Brant at (307)777-3679.

CH:lb

Enclosure



Notice of Intent to Adopt Rules

1. General Information

a. Agency/Board Name: <i>See attached list for references</i>		
b. Agency/Board Address	c. Agency/Board City	d. Agency/Board Zip Code
e. Name of Contact Person	f. Contact Telephone Number	
g. Contact Email Address		
h. Date of Public Notice:		i. Comment Period Ends:
j. Program(s) <i>See attached list for references</i>		

2. Rule Type and Information

a. Choose all that apply: <input type="checkbox"/> New Rules* <input type="checkbox"/> Amended Rules <input type="checkbox"/> Repealed Rules	
* "New" rules means the first set of regular rules to be promulgated by the Agency after the Legislature adopted a new statutory provision or significantly amended an existing statute.	
If "New," provide the Enrolled Act number and year enacted:	
b. Provide the Chapter Number, and Short Title of Each Chapter being Created/Amended/Repealed (if more than 5 chapters are being created/amended/repealed, please use the Additional Rule Information form and attach it to this certification)	
Chapter Number:	Short Title:
Chapter Number:	Short Title:
Chapter Number:	Short Title:
Chapter Number:	Short Title:
Chapter Number:	Short Title:
c. <input type="checkbox"/> The Statement of Reasons is attached to this certification.	
d. <input type="checkbox"/> N/A <input type="checkbox"/> In consultation with the Attorney General's Office, the Agency's Attorney General representative concurs that strike and underscore is not required as the proposed amendments are pervasive (Section 5 of the Rules on Rules).	
e. A copy of the proposed rules* may be obtained:	
<input type="checkbox"/> By contacting the Agency at the physical and/or email address listed in Section 1 above. <input type="checkbox"/> At the following URL: _____	

* If Item "d" above is not checked, the proposed rules shall be in strike and underscore format.

3. Public Comments and Hearing Information

a. A public hearing on the proposed rules has been scheduled. ☐ Yes ☐ No

If "Yes:"	Date:	Time:	City:	Location:

b. What is the manner in which interested person may present their views on the rulemaking action?

☐ By submitting written comments to the Agency at the physical and/or email address listed in Section 1 above.

☐ At the following URL: _____

A public hearing will be held if requested by 25 persons, a government subdivision, or by an association having not less than 25 members.

Requests for a public hearing may be submitted:

☐ To the Agency at the physical and/or email address listed in Section 1 above.

☐ At the following URL: _____

c. Any person may urge the Agency not to adopt the rules and request the Agency to state its reasons for overruling the consideration urged against adoption.

Requests for an agency response must be made prior to, or within thirty (30) days, after adoption of the rule, addressed to the Agency and Contact Person listed in Section 1 above.

4. Federal Law Requirements

a. These rules are created/amended/repealed to comply with federal law or regulatory requirements. ☐ Yes ☐ No

If "Yes:"	Applicable Federal Law or Regulation Citation:
	Indicate one (1): <input type="checkbox"/> The proposed rules meet, but do not exceed, minimum federal requirements. <input type="checkbox"/> The proposed rules exceed minimum federal requirements.
	Any person wishing to object to the accuracy of any information provided by the Agency under this item should submit their objections prior to final adoption to: <input type="checkbox"/> To the Agency at the physical and/or email address listed in Section 1 above. <input type="checkbox"/> At the following URL: _____

5. State Statutory Requirements

a. Indicate one (1):

☐ The proposed rule change *MEETS* minimum substantive statutory requirements.

☐ The proposed rule change *EXCEEDS* minimum substantive statutory requirements. Please provide a statement explaining the reason the rules exceeds the requirements:

6. Authorization

a. I certify that the foregoing information is correct.

Printed Name of Authorized Individual	
Title of Authorized Individual	
Date of Authorization	

Distribution List:

- Attorney General and LSO: Hard copy of Notice of Intent; Statement of Reasons; Clean copy of the rules; and Strike-through and underline version of rules (if applicable).
- Secretary of State: Electronic version of Notice of Intent sent to rules@state.wy.us

CHAPTER 41 DISTANCE EDUCATION

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CHAPTER 41 DISTANCE EDUCATION

Section 1. **Authority.**

These rules are promulgated by the Wyoming Department of Education in consultation with the Wyoming State Board of Education under the authority of W.S. § 21-2-202(a)(xxxi) and W.S. § 21-13-330.

Section 2. **Purpose and Applicability.**

These rules are intended to provide a uniform and understandable process for all distance education courses offered by Wyoming school districts or from which academic credit will be transferred to or accepted by a Wyoming school district. The provisions of this Chapter shall apply to all distance education courses offered by Wyoming school districts or distance education courses from which academic credit will be transferred to or accepted by a Wyoming school district.

Section 3. **Definitions.**

For purposes of all distance education courses offered by Wyoming school districts or from which academic credit will be transferred to or accepted by a Wyoming school district the following definitions shall apply:

- (a) “Active Distance Education Course” means any distance education course that has students currently enrolled;
- (b) “Asynchronous” means instruction delivered by the instructor and received by the student not concurrent in time;
- (c) “Bridge” means to connect multiple video units into one conference call using a telecommunications network device;
- (d) “Course sections” means simultaneous instances of a course offering with a unique student enrollment;
- (e) “Department” means the Wyoming State Department of Education as created by W.S. § 21-2-104;
- (f) “Distance Education” means instruction in the statewide educational program prescribed by W.S. 21-9-101 and 21-9-102 and accredited by the state board under W.S. 21-2-304(a)(ii), whereby the teacher and student, physically separated by time or space, are connected by means of a communications source used to provide synchronous or asynchronous instruction;
- (g) “Distance education program provider” means a Wyoming nonresident school district, a consortia of school districts, a Wyoming post-secondary institution, or an out-

of-state institution that delivers a distance education program;

~~(g)~~(h) “Distance Learning Plan (DLP)” means an agreement between ~~a~~the school district or districts, a student and his parents or guardian outlining the distance education program requested by the student and his parents or guardian, together with expectations and achievable performance benchmarks required for completion of the program in accordance with content and performance standards promulgated by the state board under W.S. 21-2-304(a)(iii);

~~(h)~~(i) “Local Board” means the educational governing body established at each Wyoming school district in accordance with W.S. § 21-3-101;

~~(i)~~(j) “Memorandum of Understanding (MOU)” means a signed documented agreement between ~~the~~ a distance education program provider ~~nonresident~~ and a resident district outlining fees paid for a distance education program ~~or course~~, educational support provided to the student(s), required training, and conflict resolution policy;

(k) “Milestones” means achievable performance benchmarks required for completion of the program which are used to track student progress through the course;

~~(j)~~(l) “Nonresident district” means the school district in which a participating student does not reside but which employs the distance education program teacher and which sponsors, approves, facilitates and supervises the distance education program course material provided to the participating student;

(m) “Program” means one or more distance education courses ~~delivered from the nonresident district;~~

~~(k)~~(n) “Resident district” means the school district in which the participating student resides, receives distance education program instruction and where the student's distance ~~education~~-learning plan (DLP) is filed;

~~(l)~~(o) “State Board” means the Wyoming State Board of Education as created by W.S. § 21-2-301 (a);

~~(m)~~(p) “Student” means a resident of Wyoming as described in W.S. § 21-4-102;

~~(n)~~(q) “Synchronous” means instruction delivered by the instructor and received by the student concurrent in time;

~~(o)~~(r) “Wyoming Switchboard Network (WSN)” means an approved state-network of distance education programs ~~providers~~-that meet state-established guidelines for course content and delivery ~~via Wyoming licensed teachers.~~

Section 4. **Process to Join the Wyoming Switchboard Network (WSN).**

(a) For School Year 2008-2009, current distance education program providers shall

submit the required information in sub-section (b) as soon as possible.

(b) For School Year 2009-2010 and each year thereafter, prospective Wyoming distance education program providers shall submit a letter of intent to the Department by May 1 applying to add its distance education program(s) to the WSN and to be considered for the succeeding school year. The letter of intent shall provide:

(i) A distance education program overview that describes general information such as the program's title, administrative contacts, method(s) of delivery, maximum allowed student to teacher ratios and instructor's course load, and proposed course offerings and capacity; and,

(ii) A signed assurance statement maintaining that the distance education program possesses the necessary financial, personnel, and technical infrastructure capacity to effectively operate.

(c) After verifying the Department approved accreditation of the school(s) and district(s) proposing to provide the distance education program, the Department may approve the letter of intent based on the information provided in the distance education program overview or request necessary changes before proceeding.

(d) After the approval of the letter of intent, the prospective Wyoming distance education program provider shall submit a WSN program application created from Department approved templates. The WSN program application shall provide:

(i) A course evaluation narrative that describes:

(A) The method(s) of course procurement; and,

(B) Procedures for course evaluation.

(ii) A student accountability narrative that details:

(A) The enrollment requirements of the student;

(B) The pre-enrollment consultation, to include:

(I) A ~~medium and grade level specific screening tool to determine~~ process to verify that the distance education course(s) is appropriate to the learning capabilities of the individual student; and,

(II) Required distance education training, simulations, readiness surveys, or experience prior to the start of class(es);

(C) The anticipated roles and duties of the resident school's ~~liaison and/or the student's mentor/tutor that provides~~ instructional support ~~to that assists~~ the student and monitors their progress throughout the duration of the distance education course(s);

(D) The distance education program provider ~~nonresident district~~ administrators' and instructors' accountability for monitoring student performance; and,

(E) An intervention plan to assist any student not performing satisfactorily or failing to achieve required progress through course Milestones ~~students' performance~~.

(iii) An instructor accountability narrative that details:

(A) The professional development opportunities available to instructors, to include:

(I) Pre-service components which shall be required of all instructors that possess no previous experience teaching within the distance education medium of their currently assigned course(s). These pre-service components shall be completed prior to the beginning date of the course(s) assigned to that instructor; and,

(II) Ongoing components of the professional development process required of all distance education instructors, such as, just-in-time training and resources, available support materials, coaching or mentoring systems, and other professional learning communities;

(B) Continual evaluation process of the professional development program(s) that ensure the continuous improvement of the program(s) quality and overall value; and,

(C) Instructor performance expectations and methods of evaluation to determine and, if necessary, improve the critical aspects of distance education pedagogy.

(iv) A partnership plan narrative that describes the expectations and requirements the distance education program provider ~~nonresident district~~ will have for the resident district, and how the distance education program provider ~~nonresident district~~ will coordinate the proper support and training for resident district personnel.

(e) Approval of the WSN application shall be determined by the Department in consultation with the nonresident local board. The Department may require necessary corrections or improvements before final approval of the WSN program application.

(f) After the approval of the WSN program application, the distance education program provider shall provide a credit course application for each proposed course, created from Department approved templates, that consists of:

(i) General course information that includes basic details such as the title, description and syllabus, suggested grade level(s), subject area, course calendar outlining any synchronous requirements, and course delivery method;

~~(ii) A course taxonomy worksheet that identifies core knowledge and skills, Success curriculum component(s), and subject area(s) addressed by the course;~~

~~(iii) A course calendar outlining any synchronous requirements;~~

~~(iv)~~ (ii) A course scope that outlines the topics, ~~and objectives, presented; and explicitly defines~~ assessments, and other mandatory benchmarks presented throughout the coursework;

~~(v)~~ (iii) A ~~m~~Milestones checklist of compulsory topics and objectives from the course scope ~~with the anticipated completion dates~~ that are required in order to successfully complete the course. In accordance with Section 10 of the Department's Chapter 8 Rules and Regulations for the School Foundation Program, these ~~m~~Milestones will measure the student's progress throughout the coursework and shall be used as attendance and membership equivalency within the student's distance learning plan;

~~(vi)~~ (iv) A course standards alignment ~~verification that describes the nonresident district's process used to align course content to the Wyoming Content and Performance Standards. The nonresident district shall provide the documentation resulting from this course standards alignment process that specifies~~ that documents which Wyoming Content and Performance Standards ~~state standards~~ are addressed by each course; and,

~~(vii)~~ (v) Course quality documentation that demonstrates the course meets or exceeds the appropriate Department approved standards/guidelines pertaining to distance education course delivery methods.

(g) Approval of each credit course application shall be determined by the Department. Necessary corrections or improvements shall be required before final approval of each credit course application.

(h) A Wyoming post-secondary distance education program may apply for ~~limited~~ membership to the WSN Wyoming Switchboard Network ~~by submitting a program overview that describes general information such as the program's title, administrative contacts, and method(s) of delivery.~~

~~and waive the course taxonomy, course scope, standards alignment, and/or course quality verification. These distance education programs shall only be eligible to provide distance education courses to students enrolled at a resident district that has submitted to the Department a credit course application waiver. This waiver, provided by the Department, shall:~~

~~(i) Be signed by the resident district superintendent, a member of the local board, and the resident district curriculum director;~~

~~(ii) Acknowledge the distance education program provider's omission of the course taxonomy, course scope, standards alignment, and/or course quality verification; and,~~

~~(iii) Verify the presence of an articulation agreement that, at a minimum, the~~

~~resident district and distance education provider shall:~~

~~(A) Agree that the design, content, and delivery of the selected distance education course work provided by the distance education program meets or exceeds the requirements and state standards for course content, comply with and fulfills the state education program established by W.S. § 21-9-101 and W.S. § 21-9-102, and that the program otherwise meets district program standards and assessment policies; and,~~

~~(B) Annually review and mutually agree upon the documentation that aligns course content, objectives, and outcomes required to satisfy the Hathaway Scholarship Success Curriculum requirements, and Wyoming Content and Performance Standards.~~

(i) A Wyoming school district that accepts credits from an out-of-state distance education program provider may apply for membership to the WSN Wyoming Switchboard Network. A resident district that collaborates with an out-of-state distance education program shall:

(i) Verify that the out-of-state distance education program provider is accredited by a regional accrediting agency;

(ii) Submit a program overview that describes general information such as the program's title, administrative contacts, and method(s) of delivery;

(iii) Provide the student with access to a Wyoming certified teacher to act as their instructional support to assist the student and monitor their progress throughout the duration of the course(s);

(iv) Ensure that the selected distance education course(s) meets or exceeds:

(A) State and district standards for course content;

(B) State education program requirements established by W.S. § 21-9-101 and W.S. § 21-9-102; and

(C) Other necessary local and state requirements.

(v) Limit student participation to supplemental course registrations unless a waiver is approved by the Department to allow for fulltime student enrollments; and

(vi) Verify the distance education program provider maintains optimal student to teacher ratios of no more than 25:1 and the instructor does not deliver more than six (6) course sections.

Section 5. WSN Renewal and Updates.

(a) All nonresident district distance education program providers shall update ~~each~~

course calendar information and verify the accuracy of all other course milestones components each year. Updates to course Milestones will not be accepted for active distance education courses that have students currently enrolled.

(b) ~~Nonresident~~ All distance education program providers may update any components of its WSN Program Application and submit for evaluation.

(c) Distance education program providers may remove course offerings or its entire program from the WSN provided that none of the courses are active distance education courses and the Department is immediately notified.

(d) The Department shall remove any ~~nonresident~~ distance education program providers from the WSN if its ~~school or district~~ loses ~~its~~ accreditation or fails to comply with the policies outlined in these rules.

Section 6. Enrolling Students.

(a) All distance education course enrollments are initiated at the resident district in accordance with W.S. § 21-13-330(g)(ii). The resident district shall have ten (10) business days to confirm the enrollment process ~~with the nonresident district~~ and, if necessary, assign the student to a resident district school that provides an appropriate grade level instruction. A distance education program provider shall not enroll or collect any student information prior to the resident district's consent, which consent shall not be unreasonably withheld.

(b) The resident district shall verify that the prospective distance education course(s) received by the student:

(i) Complies with and fulfills the educational programs established by W.S. §§ 21-9-101 and 21-9-102;

(ii) Has been approved by the Department;

~~(ii)~~ (iii) Possesses information that can be used as course Milestones to track student progress through the course; and,

~~(iii)~~ (iv) Meets the resident district's program and content standards.

(c) The resident district shall notify the distance education program provider ~~nonresident district~~ of the student's intent to register ~~with the~~ for any distance education course work. The distance education program provider ~~nonresident district~~ sets the last day for registration ~~per course as outlined in the course calendar.~~

(d) The resident district shall ensure that each student participating in a distance education course has a DLP ~~Distance Learning Plan (DLP).~~

(i) The Distance Learning Plan shall be completed by the resident district's

designee in collaboration with the distance education program provider's ~~nonresident district's~~ designee, the student's parent(s) or legal guardian(s), and the student.

(ii) The Distance Learning Plan shall remain on file at the resident district; ~~nonresident district, and Department.~~

(iii) The Department shall provide a template for the Distance Learning Plan, however districts may modify this template or create their own provided that the Distance Learning Plan documents at a minimum the following:

(A) The effective dates of the Distance Learning Plan that shall not exceed a period of ~~one (1) year~~ twelve (12) months;

(B) The student's Wyoming Integrated Statewide Education Record Identifier (WISER ID) identification, legal first and last name, and grade level;

(C) A description of each distance education course detailing the title, WSN course identification number, and number of required Milestones;

~~(D) Acknowledgement of or modifications to course start and end dates, calendar and weekly bell schedule for synchronous elements, and drop dates as stated on the WSN course calendar;~~

~~(E) Acknowledgement of or modifications to the course milestones;~~

~~(F)~~ (D) The attendance requirements, contact time and methods of contact required by the student in order to successfully complete the course;

~~(G)~~ (E) The acknowledgement of or modifications to the student accountability narrative that verifies that the course is appropriate to the learning capabilities of the participating student;

~~(H)~~ (F) The name and position of the resident school's ~~liaison and/or the student's mentor/tutor that provides~~ instructional support that assists the student and monitors their progress throughout the duration of the course(s);

~~(I)~~ (G) Clearly outlined process concerning where and how to send information requested by the instructor, mentor, and student, ~~to include due dates~~; and,

(iv) Clearly outlined process concerning where and how to send information between the distance education program provider ~~nonresident~~ and resident district in regard to the student's progress through the course ~~m~~ Milestones.

(e) Appropriate Wyoming Department of Education data collection policies shall be used to document:

(i) All student enrollments into a distance education program; and

(ii) Modifications to any distance education course titles, identification numbers, number of Milestones, or current number of Milestones completed as outlined in their Distance Learning Plan.

~~(e)-(f)~~ (f) As outlined in Section 12 of these rules, a signed Memorandum of Understanding (MOU) between the resident district and the distance education program provider nonresident district shall be completed and on file at the resident district and with the distance education program provider, nonresident district, and Department prior to the course's beginning date.

(g) The resident district may allow a student whose custodial parent or guardian is on active military service, and leaves the state of Wyoming and whose custodial parent or guardian maintains Wyoming residency, to finish the remainder of the current school year in a Department approved distance education program(s).

(h) In accordance with W.S. § 21-13-330(h), a resident district may remove a student from its membership to participate full time in a distance education program offered by a nonresident school district. In this instance, the nonresident school district shall:

(i) Formally document the transfer and request of student records by sending written notification to the student's resident district that the student has enrolled;

(ii) Immediately notify the student's resident district in writing if the student withdraws from the nonresident school district's distance education program; and

(iii) Assume all roles and responsibilities of the resident district outlined in these rules.

Section 7. Department Responsibilities.

(a) The Department shall maintain the intrastate Wyoming Equality Network (WEN) and its videoconferencing provider, the WEN Video system. Current WEN Video policies shall be adhered to for all WEN Video Events bridged by the Department WEN Video Scheduler.

(b) The Department shall maintain, facilitate and monitor a state network of distance education courses called the WSN ~~Wyoming Switchboard Network (WSN)~~ that provides a consolidated guide of available distance education programming opportunities.

(c) The Department shall provide ~~ing~~ training and technical assistance to school districts ~~to utilize the WSN, for the delivery of distance education programming,~~ review, and research ~~of the~~ distance education programming available on, ~~and to participate in the WSN.~~

(d) The Department shall provide current information and research regarding student and course accountability, distance education pedagogy, professional

development resources, and course delivery methods.

(e) The Department shall provide a point-of-contact to track and monitor complaints, whereby concerned individuals, school or district personnel can receive needed assistance in resolving any issues resulting from the delivery of distance education courses.

(f) The Department shall provide a template for the individual student Distance Learning Plan.

Section 8. Additional Resident District Responsibilities.

(a) The resident district shall monitor the participating student's progress, in collaboration with the distance education program provider~~nonresident district~~, to ensure the student is progressing through the required course Milestones and in accordance with the terms of the student's Distance Learning Plan, ~~via the instructional support assigned by the Distance Learning Plan.~~

(b) The resident district shall ensure each student participating in distance education programs~~course(s)~~ is evaluated, tested, and monitored at the same intervals as other students in their grade level and in accordance with the resident district's assessment policies.

(c) The resident district shall ensure that a DLP~~Distance Learning Plan is maintained on a permanent basis for the following records of~~ each student participating in distance education programs~~course(s)~~. ~~are maintained on a permanent basis:~~

~~(i) The student's Distance Learning Plan;~~

~~(ii) Assessment, performance evaluation, and statewide assessment results; and~~

~~(iii) Immunization records, as required by W.S. § 21-4-309(a).~~

(d) In collaboration with the distance education program provider~~nonresident district~~, the resident district shall ensure that the needs of all students are met, including ~~special education~~, gifted and talented, ~~and at-risk students~~, and students with disabilities~~pecial education as outlined in Chapter 7 rules.~~

Section 9. Additional Nonresident District Responsibilities.

(a) The nonresident district shall document that all teachers instructing distance education courses in Wyoming are employed by a Wyoming school district, community college or the University of Wyoming. The employing institution is responsible for the authenticity of teacher credentials. Wyoming certification, and highly qualified status as necessary.

(b) The nonresident district shall assist in the completion of the student's Distance

Learning Plan in collaboration with the resident district designee, the student, and parent or legal guardian.

(c) The nonresident district shall limit WEN Video and other Interactive Video Conference course sections to a 20:1 maximum student to teacher ratio that consists of not more than four (4) remote sites in addition to the originating location; unless extenuating circumstances apply and the WEN Video Scheduler approves, per the WEN Video Guidelines. All other distance education mediums shall limit course sections to a 25:1 maximum student to teacher ratio.

(d) The nonresident district shall ensure that the instructor does not teach more than six (6) course sections unless an exception is granted by the Department in accordance with the following:

(i) The Department may grant an exception to the limitation of six (6) sections on a case-by-case basis; and,

(ii) A request for an exception shall be made by the nonresident district in the manner and form directed by the Department.

(e) The nonresident district shall initiate the MOU with the resident district, as outlined in Section 12 ~~and establish a conflict resolution process in agreement with the resident district.~~

Section 10. **Data Collection and Reporting.**

(a) The nonresident district shall collect and report to the Department:

(i) Course completion rates and information for each course offered on the WSN;

(ii) Internal survey results if available; and,

(iii) Reports required by the Distance Education Grant (DEG) ~~process~~ outlined in Section 13 of these rules, to include:

(A) Total program costs;

(B) Expenditure of all DEG Program funding in the Special Revenue Fund using the appropriate accounting codes in the WDE601 – Annual District Report;

(C) Impact of the DEG Program on compliance with W.S. § 21-13-330; and,

(D) Evaluation of the distance education course(s) in addressing student needs.

(b) The Department shall:

(i) Monitor student distance education enrollment information;

(ii) Annually survey district superintendents concerning their distance learning needs and instructional availability;

(iii) Annually survey the ~~nonresident~~ distance education program providers administrators, instructors, and students concerning the quality and effectiveness of programming available through the WSN;

(iv) Compile Department survey results and present a summary reporting to the State Superintendent of Public Instruction and the Wyoming Legislature;

(v) Provide a summary of distance education course(s) available on the WSN; and,

(vi) Present a compilation report on the information collected from WSN distance education program providers utilizing the DEG program.

Section 11. **Funding.**

(a) Each student participating in distance education shall be included in a resident district's Average Daily Membership in accordance with the Department's Chapter 8 Rules and Regulations for the School Foundation Program.

(b) In accordance with W.S. § 21-13-330(g)(vii) Average Daily Membership shall only count for distance education programs~~course(s)~~ approved by the Department and received by school districts that are accredited by the State Board.

Section 12. **Memorandum of Understanding (MOU)**

(a) A signed MOU shall be:

(i) ~~Be a~~Used as the funding formal agreement between the resident district and distance education program provider~~nonresident district~~;

(ii) Initiated by the distance education program provider~~nonresident district~~;

(iii) Designed for a period not to exceed ~~one year~~ twelve (12) months; and,

(iv) ~~The original MOU shall be e~~On file at the ~~nonresident district, with a digital copy submitted to both the Department and~~ resident district.

(b) The MOU shall consist of at a minimum:

(i) The identification of the resident and distance education program provider ~~nonresident district~~ point-of-contact to include first and last name, position/title, and contact information;

~~(ii) The name(s) and WISER ID(s) of the student(s) involved in the distance education course(s);~~

~~(iii) Information detailing the title, start date, and completion date of each distance education course;~~

~~(iv)~~ (ii) Payment information to include how the amount is determined, due date(s), and method of payment;

~~(v)~~ (iii) Apportion the responsibility for ensuring that each student has access to the appropriate electronic equipment, connectivity, and resources needed to participate in the distance education course(s);

~~(vi)~~ (iv) A description of the educational support provided to the student(s) by the resident district. This may include, but is not limited to:

(A) The access of resources at the resident district;

(B) Required tutoring and/or mentoring services;

(C) Testing and assessment services to include a timeline or schedule appropriate to the instruction provided to the student(s);

(D) Academic counseling services;

(E) Library services;

~~(F)~~ (F) Extra curricular activities; and,

~~(G)~~ (G) Special needs requirements.

~~(vii)~~ (v) If the resident district does not have qualified distance education site coordinators, the MOU shall include:

(A) A description of the training required of the resident district's staff;

(B) Which district staff should attend the training;

(C) How the training will be provided; and,

(D) When the training should be completed.

~~(viii)~~ (vi) A description of any training required of the student(s), how this training will be provided, and when it should be completed;

~~(ix)~~(vii) A statement ensuring that all records of the student(s) will be provided by the resident district including any records of special education;

~~(x)~~(viii) A conflict resolution policy; and,

~~(xi)~~(ix) The signatures of the distance education program provider ~~nonresident~~ and resident district's superintendent or designee, in accordance with district policies.

Section 13. **The Distance Education Grant (DEG) Program.**

(a) The DEG shall be available to assist eligible ~~nonresident~~ distance education program providers with developing distance education course(s) available from the WSN.

(b) The DEG Program shall be available to Wyoming school districts, community colleges, and the University of Wyoming. The notice of the grant program, together with necessary application forms and program information, shall be provided to eligible applicants by May 1. Grants will be awarded no later than August 15 of the succeeding school year.

(c) The DEG Program shall be made available for:

(i) Necessary professional development requirements that align to the ~~nonresident~~ distance education program provider's professional development plan as stated on the Instructor Accountability narrative. The applicant shall detail the origin of the professional development and rationale for selection, and itemized budget of how the funds will be expended;

(ii) Program maintenance and operational needs. The applicant shall provide an itemized budget of how the funds will be expended on items such as, but not limited to, infrastructure needs, teacher incentives, and course design;

(iii) Accreditation requirements for ~~K-12~~ distance education program providers;

(iv) Program evaluation of core courses within the required statewide education program, components of the Success Curriculum required for participation in the Hathaway student scholarship program specified by W.S. § 21-16-1307, dual enrollment courses and advanced-placement courses. The applicant shall detail the origin of the evaluation, rationale for selection of the evaluator, and itemized budget of how the funds will be expended; and,

(v) Other program components necessary for sustainability ~~as-if~~ funds appropriated to the Department of Education ~~department on education~~-permits.

(d) The priority of the DEG Program shall be available for the development and maintenance of distance education programs that deliver core courses within the required statewide education program; components of the success curriculum required for participation in the Hathaway student scholarship program specified by W.S. § 21-16-

1307; dual enrollment and advanced-placement courses.

(e) The evaluation and award of all DEG Program grants shall be conducted by the Department and external evaluators, using publically accessible rubrics. The evaluation of the grants shall be based on:

- (i) The priority of the course(s) being offered and the intended uses of the funding;
- (ii) The number of students estimated to participate in the distance education course(s) based on a needs assessment or prior enrollment numbers;
- (iii) Total program costs; and,
- (iv) If applicable, historical student success in the distance education course(s).

(f) Each grant recipient shall report to the Department by not later than August 1 of the succeeding school year:

- (i) The expenditure of grant amounts awarded from the prior school year;
- (ii) The number of students enrolled in the distance education course(s) receiving grant assistance;
- (iii) The number of students that successfully completed the distance education program;
- (iv) The impact of the grant assistance in compliance with W.S. § 21-13-330; and
- (v) An evaluation of the distance education course(s) in addressing student needs.

Section 14. **Attendance.**

In accordance with Section 10 of the Department's Chapter 8 Rules and Regulations for the School Foundation Program, all students enrolled in distance education course(s) shall satisfy compulsory attendance requirements by completing the Milestones outlined in the student's Distance Learning Plan.

Section 15. **Assessment and Adequate Yearly Process (AYP).**

(a) Students enrolled in distance education course(s) shall not be exempt from state, ~~local~~ or district assessments.

(b) Each student participating in a distance education course(s) shall be subject to the Wyoming statewide assessments as required in W.S. § 21-2-304(a)(v); and the

assessment shall be administered and monitored by a state-trained assessment administrator.

(c) Student performance, accountability, state and ~~local~~district assessment results, and adequate yearly progress (AYP) shall be the responsibility of the resident district.